

**ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM**

**COOPERATIVE AGREEMENT  
PROGRAM GUIDANCE  
FOR FY-2007**

Prepared by

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 8  
Tribal Assistance Program Office (8P-TA)  
999-18th Street, Suite 300  
Denver, Colorado 80202

Phone: 1-800-227-8917 x6290

FAX: (303) 312-6116

Website: <http://www.epa.gov/region08/tribes>

***PROPOSED WORK PLANS & BUDGETS DUE BY:  
January 19, 2007***

***APPLICATIONS DUE BY:  
March 1, 2007 or July 15, 2007  
(Dependent on current budget/project period)***

# ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM COOPERATIVE AGREEMENT PROGRAM GUIDANCE FOR FY-2007

*NOTE: This guidance supplements and does not supercede the Guidelines on the Award and Management of General Assistance Agreements for Indian Tribes, dated March 9, 2000 (hereafter cited as the 2000 Guidance), or the Indian General Assistance Program 2006 Grants Administration Guidance dated February 24, 2006 (hereafter cited as the 2006 Guidance, and referenced as Attachment 3 of the EPA transmittal letter). It also supplements and does not supercede the 40 Code of Federal Regulations (CFR) Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), 40 CFR Part 35 (State and Local Assistance) and 40 CFR Parts 31 and 35 (as revised in Environmental Program Grants for Tribes). In addition, Indian Environmental General Assistance Program (GAP) grants must comply with Federal regulations on contracting and procurement.*

## PURPOSE AND AUTHORIZATION

The U.S. Environmental Protection Agency's (EPA) responsibility to Tribes includes support in developing infrastructure and administrative and technical capacity to manage environmental programs in Indian country. The EPA has encouraged the development of tribal environmental programs through the General Assistance Program (GAP).<sup>1</sup> The GAP was created on October 24, 1992 by the Indian Environmental General Assistance Program Act.

The GAP provides an opportunity for tribes to build capacity and management capability to implement environmental programs administered by the EPA. Under the program, tribes can tailor capacity-building through an integrated plan that may include financial assistance complemented and/or supplemented with additional assistance through project and program-specific grants.

Consistent with Federal policy, a primary mission of EPA is to work with federally recognized tribal governments to protect the environment and public health in Indian country. Goal 5.3 of EPA's Strategic Plan provides that by 2008 the goal is to increase tribes' ability to develop environmental program capacity by ensuring that 100% of federally recognized tribes have access to an environmental presence. We in Region 8 have long since met that goal, and we can now focus on strengthening those programs with ever increasing complexity and responsibility.

## PREPARING YOUR WORK PLAN

The proposal package must consist of the following elements: (1) Introduction/background statement, (2) a Project Work Plan that contains objectives or components, outcomes or environmental results, commitments or tasks, timeframe target for completion of each component, estimated costs for each component, and estimated work years necessary to complete each Component, and (3) Object Class Category Budget Detail.

Consistent with the 2006 Guidance, EPA is providing a format/ template work plan that must be used to obtain funding under GAP. FY-2007 is the first year that the new work plan format is required to obtain funding from GAP. The purpose of issuing a required work plan format for the GAP program is to ensure collection of the minimum information needed for national reporting purposes, consistent with statute, grant regulations, and EPA Orders. The standardized work plan format will be the foundation document for an electronic work plan scheduled to be introduced in FY 2007. Appendices 2a, Example Work Plan and 2b, Blank Work Plan, are provided so tribes do not have to create the format from scratch.

---

<sup>1</sup> Public Law 102-497, Indian Environmental General Assistance Program, signed 10/24/92, and amended by Public Law 102-497 on 11/24/93.

See Exhibit 3.1 in the 2006 Guidance for example work plans and Exhibit 3.2 for reporting templates. The work plan format was developed to address concerns raised by a number of entities who conducted various reviews of the General Assistance Program over the past couple of years. Exhibit 4.1 in the 2006 Guidance provides examples on programmatic environmental results and outputs and outcomes. Exhibit 4.2 provides the same information for administrative components of a GAP program. The following descriptions may also be helpful:

- Introduction/Background Statement: Provide a narrative statement about the reservation including a description of real and potential environmental issues faced by the program. This may include a discussion of statistics for population, surface water area, land area, and a brief synopsis of your accomplishments in previous years, in order to portray the magnitude of environmental issues. Indicate how long the program has been operating, and any other information pertinent to helping you meet your goals and objectives. **This section should not be more than 1-2 paragraphs.**
- Environmental Outcomes. EPA Order 5700.7 "Environmental Results Under EPA Assistance Agreements" requires that recipient work plans contain well-defined outputs and to the maximum extent practicable, well-defined outcomes.
  - Outcomes refer to the environmental result, effect, or consequence that will occur from carrying out an environmental program or activity that is related to an environmental, behavioral, health related or programmatic in nature and must be quantifiable. Outcomes may not be achievable within an assistance agreement funding period. Long-term outcomes are those anticipated results of the work plan component that may exceed the time frame for which the work plan is funded. Short and intermediate outcomes are those anticipated results to be achieved within the time frame for which the work plan is funded.
  - Outputs (or deliverables) refer to an environmental activity, effort and associated work products related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable within the time frame for which the work plan is funded. Outputs typically reflect the products and services provided by the recipient, but do not, by themselves, measure the programmatic or environmental results of an assistance agreement.
- Brief description of each work plan component. Allowable activities for the General Assistance Program are contained in both 2000 and 2006 versions of the GAP Guidance. Components should be broken down into commitments which can be measured or evaluated. Be realistic when preparing commitments and estimating costs and work hours required.
- Description of the commitments or tasks necessary to complete work under each component. For purposes of tracking how GAP funds are being used by grant recipients, recipients and EPA Regional Offices are required to categorize the range of activities (commitments) into the capacity development areas listed below. These categories reflect the key areas in which GAP funds are intended to build environmental management capacity (Section II (A), GAP Guidelines March 9, 2000). The information collected here enables EPA to more accurately and consistently report the range and quantity of activities related to building capacity in these areas for communication with tribal governments and other parts of the federal government. Categorization of activities also enables more precise coordination with other parts of EPA on current tribal activities and potential capacity building needs. Each work plan should state the primary or principal category being developed for each work plan component as well as for each activity, based on the following categories:
  - Legal. Activities include the development of a legal and enforcement infrastructure (i.e., codes, regulations, ordinances, and standards that can be used to implement management policies and guidelines).

- Enforcement and Compliance: Activities develop the capacity to perform the inventories, compliance reviews, and inspections needed to ensure compliance with environmental policies and guidelines.
- Technical and Non-Administrative. Activities develop technical skills for environmental management such as monitoring and analysis, baseline assessment, data management, quality assurance procedures, and emergency response systems.
- Communications. Activities develop the capacity to communicate about environmental issues with the community, tribal executives, the regulated community, and other government entities.
- Administrative. Activities develop the capacity and procedures for managing and accounting for program funds, including procedures for staffing and training, management of office resources and personnel, and communication with other tribal government agencies concerning program procedures and practices.
- Solid & Hazardous Waste Implementation. Activities may include, but are not limited to, removal of abandoned vehicles, scrap metals and used tires, planning and conducting household hazardous waste cleanup campaigns, establishing recycling collection areas and support facilities, and open dump cleanups.

A commitment or task should produce an output (i.e., tangible work product) or an outcome (i.e., environmental impact) which was achieved as a result of the work accomplished. The primary tool for assistance in developing commitments is contained in Attachment 3 of the EPA transmittal letter (2006 GAP Guidance): the GAP Environmental Results and examples of Administrative and Programmatic GAP Outputs and Outcomes. Also, another tool that may be of use in thinking through specific tasks is the Sample Action Steps/Tasks outlined in Appendix 1 of this document, which was the product from brainstorming sessions among national GAP workgroup members.

- Estimate of date/season that each commitment will be completed. Do not use “on-going.” Rather, break each activity into smaller, achievable tasks that can be accomplished during the year. Time frames can be a specific date, a season (e.g., early fall), or a specific time period (e.g., 3 months after staff reports for duty).
- Estimated Component Cost and Estimated Component Work Years. The cost of each work plan component and the work years required to complete must be estimated by recipients. While it not required, EPA strongly recommends that recipients show estimated costs that can be anticipated and linked to each commitment. This encourages cost accountability, helps tribes and EPA determine if costs seem reasonable and is consistent with Governmental Accounting Standards Board (GASB) no. 34 [Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments (Issued 6/99)] accounting principles that are supported by the Native American Finance Officers Association. One FTE generally equals 2080 work hours or check with your Finance Department to determine the number of hours to use for an FTE. **The level of staff effort outlined in the work plan must be reflected in your Object Class Category Budget Detail.** In other words, if you have 3 FTE in your budget, then the work plan must reflect 6,240 hours of work.
- Reporting schedule (i.e., grantee will prepare and submit timely progress reports to the Project Officer). An example reporting format is included in Appendix 3. The reporting format is consistent with the work plan format.
- A performance evaluation process which will assess your performance in completing tasks under the work plan, as well as your perception of well EPA did in helping you meet those tasks (see Sample

GAP Grant Evaluation Process, Appendix 4). Performance progress reviews of work plan components will be conducted on a frequency negotiated between the tribe and the EPA Project Officer, no less than bi-annually. Quarterly progress reports may be required at the discretion of the project officer based on previous reporting performance and other performance considerations.

## PROGRAM ACTIVITIES

Activities eligible for funding under GAP include planning, developing, and establishing environmental protection programs, and implementing solid and hazardous waste programs. Capacity-building may include assistance with developing the appropriate legal and administrative infrastructure, establishing technical capability, and planning and establishing an integrated management program to be implemented through project and program-specific assistance. Activities may foster natural resources protection and preservation as they relate to EPA's various environmental management programs.

### Solid and Hazardous Waste Implementation Activities

Implementation activities under the solid and hazardous waste management programs are eligible for funding under GAP. A cautionary note to consider as you consider expanding your program to include these activities is that additional funds have not been made available specifically for these activities. Tribes may need to disinvest in activities currently being done under work plans to add solid and hazardous waste implementation activities. The following principles must be addressed in making funding decisions for solid and hazardous waste implementation activities:

- The availability of funding.
- Activities will not compromise the maintenance and development of current tribal environmental capacity and overall program effectiveness in areas other than solid and hazardous waste management.
- Costs cited for the proposed activities are reasonable.
- The proposed activities will have technical review from EPA Region 8 RCRA staff.
- The proposed activities must not duplicate activities funded by the Federal Tribal Solid Waste Management Assistance Project (formerly known as the Tribal Open Dumps Cleanup Project) or those of other Tribal or Federal agencies.
- There are no guarantees, either implicit or explicit, of future funding for long term projects.
- Higher priority is given to self-sustaining programs, prevention programs, and one-time cleanup efforts.
- Use of GAP funding for operations and maintenance activities is given the lowest priority.

### Expansion for Interagency Coordination

Several regions have used GAP funds to participate in interagency efforts to coordinate solid and hazardous waste projects in Indian country. We encourage those efforts and are supporting similar initiatives at the local and national level through the Tribal Solid Waste Interagency Work Group, which includes EPA, HUD, IHS, BIA, Rural Utility Service, DoD and FAA. AIEO promotes, and TAP agrees with, the use of GAP funds in tandem with other (EPA and non-EPA) agency resources. However, constraints on funding in Region 8 will require innovative thinking and strategic planning to make these activities happen.

### Targeted Procedures

The unique status of solid and hazardous waste implementation activities under GAP requires different internal Regional procedures than GAP capacity building activities. Region 8's procedures for

working with their regional solid and hazardous waste counterparts includes the program's review of GAP work plans where solid and hazardous waste implementation activities reside.

#### Continued Review of Implementation Costs

Funding implementation activities under GAP continues to represent a new and potentially resource intensive area of investment. Region 8 will continue to track and report separately to AIEO on investments in solid and hazardous waste implementation for FY 2007.

#### REPORTING AND EVALUATION REQUIREMENTS

You will be required to submit a semi-annual and an annual performance report, and this could be summarized to meet the self-evaluation requirement of EPA Order 5700.7. The semi-annual report is due 30 days after the end of the reporting period and the annual performance report is due 90 days after the grant year. Quarterly reports may be required at the discretion of the Project Officer. Reports must include the following information:

1. A discussion of accomplishments as measured against work plan commitments;
2. A discussion of cumulative effectiveness of the work performed under all work plan components;
3. A discussion of existing and potential problem areas; and
4. Suggestions for improvement, including, where feasible, schedules for making improvements.

A detailed budget review is required by 90 days after your previous year project and budget period. Requests for reimbursement must be brought current by this date, or future reimbursement request may be at risk.

The assigned Tribal Program Manager will continue to have informal discussions with you about the progress made under GAP. **It is essential that complete reports be received timely.** Reimbursement requests may be delayed for delinquent reports. Please use the new report format which includes the essential information described above.

#### PERFORMANCE PARTNERSHIP GRANTS

If your program is currently operating under a Performance Partnership Grant (PPG), your GAP funding may be added to your current PPG. See important dates under Process Timeline enclosed with the cover letter for developing and submitting your proposed work plan and expanded budget detail.

On November 2, 2006, EPA issued a memorandum clarifying Match Waivers under 40 CFR Part 35 Subpart B for non-competitive grants. Under 40 CFR Part 35 Subpart B (Part 35), tribes and intertribal consortia are eligible for reductions in Federal Match requirements for certain grant programs if those grants are included in PPGs (§§35.530 – 35,735). These provisions do not specifically address how a tribe should address a match requirement in its grant application for those non-competitive grants which may be subsequently included in a PPG and for which the match would thereby be reduced. The Policy Statement in this memorandum clarifies: "If an eligible Tribe or Intertribal Consortia intends to include a non-competitive continuing environmental program grant in a PPG, it may prepare a budget and application for that grant based on the assumption that EPA will waive match requirements for PPGs under 40 CFR §35.536. If, however, the applicant does not or cannot include the grant applied for in a PPG, or chooses to withdraw the grant program from their PPG, the applicant must then meet the match requirements stipulated for that program. The applicant must also provide a new budget based on the grant program's required match."

This Policy statement maintains EPA's commitment to increasing programmatic flexibility for tribal governments and intertribal consortia by facilitating fiscal and administrative planning when using PPGs. Region 8 is hereby waiving match requirements for tribal PPGs.

## BUDGET REQUIREMENTS

Budget planning requires preparation of two separate documents: an expanded **BUDGET DETAIL** (Attachment 5 to the EPA transmittal letter, Object Class Categories Budget Detail form, provides a template that automatically calculates totals for direct costs) and **SF-424A (BUDGET INFORMATION)**. The expanded Budget Detail must be included along with your work plan proposal. This expanded Budget detail will be summarized on SF-424A (Budget Information) as part of the grant application package. The expanded Budget Detail must include the categories and information provided in the table below.

<b>BUDGET CATEGORIES</b>	<b>COMMENTS (include estimated costs for all)</b>
a. Personnel	<ul style="list-style-type: none"> <li>▪ Include staff title(s), hourly rate, number of work hours<sup>2</sup>, and total salary for each position.</li> </ul>
b. Fringe Benefits	<ul style="list-style-type: none"> <li>▪ Multiply total salary (Item a) by Tribe=s rate for Fringe Benefits.</li> </ul>
c. Travel (1) Local Travel [estimated mileage only] (2) In-state Travel [estimated mileage and per diem] (3) Out-of-state Travel [estimated mileage, per diem, and air fare]	<ul style="list-style-type: none"> <li>▪ Include sufficient travel for conferences, meetings, and training. Five to six trips, at a minimum, is recommended.</li> <li>▪ Include one or two participants if there is to be a Tribal Leaders Environmental Summit.</li> <li>▪ Include travel for Regional Operations Committee (ROC) meetings. Break travel down to Local Travel, In-state Travel, and Out-of-State Travel.</li> <li>▪ Include the number of people traveling for each out-of-state trip.</li> </ul>
d. Equipment	Include computer equipment, furniture, and other non-consumable items which cost \$5,000 or more (requires inventory control/tracking).
e. Supplies	<ul style="list-style-type: none"> <li>▪ Include consumable supplies only (items which will be used within a short period of time and which are <u>not</u> equipment).</li> </ul>
f. Contractual	<ul style="list-style-type: none"> <li>▪ Include the type and estimated cost of any proposed or on-going contracting needs (e.g., laboratory analysis, legal services, storage contracts, etc.).</li> </ul>
g. Construction	NOT APPLICABLE TO THE GAP PROGRAM
h. Other	<ul style="list-style-type: none"> <li>▪ This category can be used to cover items such as printing, postage, Internet access fees, etc.</li> </ul>
i. Total Direct Cost	<ul style="list-style-type: none"> <li>▪ Sum of Items (a) through (h).</li> </ul>

<sup>2</sup> 1.0 FTE is equal to 2080 work hours or check with your Finance Department to determine the number of hours to use for an FTE.

j. Indirect Cost	<ul style="list-style-type: none"> <li>▪ Calculated based upon tribal Indirect Cost Negotiation Agreement: For some Tribes, indirect cost are not charged for <u>Equipment and Contractual</u> costs <sup>3</sup>, some do not charge indirect cost at all, and some tribes only charge indirect costs to specific activities. <u>If the tribe's Cost Negotiation Agreement is not current, EPA will withhold Indirect Cost allocations.</u></li> </ul>
k. Totals	<ul style="list-style-type: none"> <li>▪ Sum of Total Direct Cost and Indirect Cost.</li> </ul>

#### APPLICATION REVIEW PROCEDURES

The following will be considered in determining the amount of assistance to award each applicant:

- Completeness of application;
- Adherence to the guidance document;
- Reasonableness of proposed costs;
- Past performance, including production or reference to required reports and evaluations;
- Final budget allocation received by Region 8 under GAP; and
- Adherence to requirements for closing out previous grants and submitting required financial reports.

---

<sup>3</sup> This calculation is dependent upon the most current negotiated Indirect Cost Agreement and may be different for each Tribe.



**Sample Action Steps/Tasks**

- Conduct administrative oversight (e.g. hire and supervise staff assigned to various environmental program and project grants; prepare progress reports and provide financial information for financial reports; authorize equipment purchases; review grant deliverables prior to submittal to the grantor agency; close out grants) on various environmental programs.
- Develop and update EPA/Tribal Environmental Agreements or Environmental Management Plans
- Participate in the evaluation of the EPA/Tribal Environmental Agreements.
- Administer the GAP grant, which includes program and financial management oversight.
- Develop and submit GAP quarterly program progress and financial status reports.
- Assist with the development of Quality Assurance Management Plans and/or Quality Assurance Project Plans.
- Establish Tribal statutes, codes, requirements and/or policies for the development and implementation of environmental programs.
- Assist with the long and short range environmental and natural resources management planning
- Develop program and project grant proposals.
- Oversee environmental databases.
- Attend quarterly meetings of the pertinent Environmental Group.
- Attend the EPA Regional Tribal Operations Committee when requested.
- Attend meetings, trainings, workshops and conferences on environmental issues.
- Host meetings, trainings, workshops and conferences on environmental issues.
- Participate on Tribal, Federal, State and local environmental work groups, committees, task forces.
- Review, analyze and provide comment on environmental issues, policies, and permit requests that may affect Tribal, treaty, or trust resources.
- Prepare letters, informational updates, testimony, reports, position papers, and other documents for the Natural Resources and/or Environmental Committees and Tribal Council.
- Develop and conduct environmental briefings for Tribal officials.
- Advise Tribal Council, staff and members on environmental impacts of proposed development on Tribal lands.
- Assist with the management of permitting procedures - Tribal or Federal - use or alteration of natural features on Tribal lands.
- Review and comment, as requested, on all EPA issues that affect Tribes.
- Continue to provide environmental public information and outreach.
- Increase and promote traditional ecological knowledge and decision-making among the youth, community members, and staff.
- Conduct public meetings/seminars on environmental issues to inform the community on current and upcoming changes.
- Provide technical assistance on environmental issues.
- Serve as a speaker, presenter, expert, etc. at meetings, trainings, workshops and conferences.
- Maintain the communication capability to work with Tribal, Federal, State, and local environmental officials.
- Stay updated on Tribal, international, national, state, and local legislative activities, which may impact Tribal environmental quality.
- Promote the continued working relationship of the Tribe in the Local Emergency Planning Committees.
- Educate Tribal members on issues regarding environmental health.
- Assist with the development and the promotion of activities to study the toxic level of chemicals in the water, air, fish, wildlife, plants, and Tribal members.

**Appendix 2a**  
**General Assistance Program**  
**Example Work Plan**

**Tribe:** Village of Crow

**Region:** XI

**Work Plan Period** Begin 10/1/06 End: 9/30/07

**Work Plan Component 1:** Promote a healthy Black River Watershed (Clean Water Act)

**Primary Capacity Area Developed (check one):**

**Legal**\_\_ **Enforcement/Compliance**\_\_ **Technical** **X** **Communication**\_\_ **Administrative**\_\_ **Solid/Hazardous Waste Implementation**\_\_

**Environmental Outcome(s):**

- Reduce habitat and human health impacts of water borne pollutants by 50%

**Intermediate Outcome(s) (this work plan period):**

- People active in the Black River Watershed understand how their actions can affect water quality, minimize their adverse impact on water quality and participate in efforts to enhance and/or restore water quality based on community survey results.
- Tribal members understand how their actions and the actions of others can affect water quality based on increased sampling information
- Watershed forum develops watershed management plan that addresses immediate concerns (pollution sources in the villages) and long-term issues from existing and potential development along the river corridor.

**ESTIMATED COMPONENT COST: \$49,300**

**ESTIMATED COMPONENT WORK YEARS: 2.0**

COMMITMENTS		CAPACITY AREA DEVELOPED	ESTIMATED COMMITMENT COST (optional)	END DATE	OUTPUTS AND DELIVERABLES
1.1	Environmental staff meet with Black River Watershed Forum and EPA Technical Staff to understand nature of loadings and identify principle key contributors in the watershed	Technical	\$9,600 (240hrs at \$40/hr)	9/30/07	Meeting minutes completed and sent to EPA Draft listing of potential sources and loadings
1.2	Gather information for watershed planning	Technical	\$2,500 (50 hrs @ \$25/hr, \$1250 Equipment)	3/1/07	Information summary documents
1.3	Keep Tribal Council abreast of the watershed council's progress	Communications	\$1,600 (40 hrs @ \$40/hr)	9/30/07	Presentation materials, tribal council minutes

1.4	Participate in writing draft watershed protection plan.	Administrative	\$3,200 (80 hrs @\$40/hr)	4/30/07	Draft Plan sent to EPA
1.5	Hold village public meetings to inform residents and gather input on key decision points	Communications	\$8,400 (240 hrs @ \$30/hr)	7/31/07	Presentation materials, sign-in sheets. Meeting summary report to EPA
1.6	Begin development with contractor support of Water Quality Monitoring QAPP Work Plan for EPA review	Technical	\$24,000 (100 hrs @ \$40/hr, \$20,000 contractor)	9/15/07	Draft QAPP
EPA Use Only					
2003-2008 EPA Strategic Plan					
Goal X:					
Objective X.X:					
Sub-objective X.X.X:					

**Appendix 2b  
General Assistance Program  
Standardized Work Plan Format**

Tribe: \_\_\_\_\_

Region: \_\_\_\_\_

Work Plan Period Begin \_\_\_\_\_ End: \_\_\_\_\_

**Work Plan Component 1:**

**Primary Capacity Area Developed (check one):**

Legal \_\_\_\_\_ Enforcement/Compliance \_\_\_\_\_ Technical \_\_\_\_\_ Communication \_\_\_\_\_ Administrative \_\_\_\_\_ Solid/Hazardous Waste Implementation \_\_\_\_\_

**Environmental Outcome(s):**

•

**Intermediate Outcome(s) (this work plan period):**

•

•

•

**ESTIMATED COMPONENT COST:**

**ESTIMATED COMPONENT WORK YEARS:**

COMMITMENTS		CAPACITY AREA DEVELOPED	ESTIMATED COMMITMENT COST (optional)	END DATE	OUTPUTS AND DELIVERABLES
1. 1					
1. 2					
1. 3					
1. 4					
1. 5					
1. 6					

EPA Use Only

**2003-2008 EPA Strategic Plan**

**Goal X:**

**Objective X.X:**

**Sub-objective X.X.X:**

**Appendix 3  
Example Report Format  
Village of Crow  
2006-2007**

**Work Plan Component 2 :** Consultation with EPA on Black River Mine Discharge Permit (Clean Water Act)

**Environmental Outcome:**

- Mine's wastewater discharge regulated to reduce adverse impacts on subsistence fisheries by 95%.
- Subsistence fisheries remain healthy and abundant as noted by key parameters of indicator species.

**Intermediate Outcome (this grant period):**

- Raven Tribe develops understanding of Clean Water Act permitting regulations and processes.
- Mine operator understands and appreciates tribal interest in water quality and healthy, abundant fisheries.

**Estimated Cost:**

**Estimated Work Years:**

<b>COMMITMENTS</b>		<b>DUE DATE &amp; STATUS</b>	<b>WORK ACCOMPLISHED</b> <b>NOTE: Explanatory comments are required for any task listed as "Not complete."</b>
1.1	Environmental staff meet with discharger and EPA technical staff to understand nature of operation, waste water management and character of discharge	due 09/26/06 completed 09/30/06	<b>Outputs/Deliverables:</b> Meeting Notes and draft listing of potential sources and loadings Recipients should provide as much detail as possible to convey work accomplished. In this example, meeting notes will become part of their records; EPA and Tribe can decide necessity of including copies of meeting notes with reports to EPA.
1.2	Tribes develop resolution requesting formal government-to-government consultation with EPA Region	<b>Due</b> 2/2/07 <b>Status</b> Completed 1/27/07	<b>Outputs/Deliverables:</b> Resolution
	Review of draft permit and development of comments	<b>Due</b> 2/2/07 <b>Status</b> Ongoing	<b>Outputs/Deliverables:</b> Comments on draft permit
1.4	Coordinate consultation meetings for Tribal Council with discharger, EPA staff and state regulatory officials to establish permit review procedures	<b>Due</b> 9/30/07 <b>Status</b> Ongoing	<b>Outputs/Deliverables:</b> Meeting Notes
1.5	Review of Final Permit for consistency with outcome of consultation	<b>Due</b> 9/30/07 <b>Status</b> Ongoing	<b>Outputs/Deliverables:</b> Consistency Review

### **SAMPLE GAP GRANT EVALUATION PROCESS**

(Typically used in GAP administration section)

After the completion of each GAP program year, and at the end of the project/budget periods, the recipient will conduct a Self-Assessment/Self Evaluation in the form of a grant progress report using the indicators below against each work plan objective:

- ❖ Accomplishments as measured against work plan commitments.
- ❖ Cumulative effectiveness of the work performed.
- ❖ Existing and potential problem areas.
- ❖ Suggestions for improvement, including, where feasible, schedules for making improvements.
- ❖ Proposed work plan amendments, as needed.

The annual self-assessment is due to EPA within thirty days after the completion of each program year, and ninety days after the final program year. (The Annual Grant Evaluation Report will be substituted for fourth quarter progress report.) The final technical report will also be in the form of the grant self-assessment and is due within ninety days upon the expiration of the grant, along with all other CLOSEOUT requirements.

The EPA Project Officer should acknowledge the receipt of grant applications, narrative reports, financial reports, and funding drawdowns. Within thirty days after the receipt of the Grant Evaluation Report, the GAP Project Officer will review, and seek review and comments from appropriate Technical Contacts within the region. At the same time the project officer will also review the quarterly program and financial status reports; the Tribe's financial drawdown requests; assess the terms and conditions included in the award; and provide a written response back to the recipient. Each year as time and resources permit, the Project Officer will negotiate on-site visits with recipients to discuss the grant performance.

If the joint evaluation performed by the grantee and EPA reveals that the grantee has not made sufficient progress under the work plan, the grantee and the Project Officer will negotiate a resolution that addresses the issues. If a mutually negotiated resolution is not achieved, the matter will be forwarded to the Director of the Tribal Assistance Program (TAP), for resolution. (A duly authorized Tribal representative will submit the Tribe's written position document on all unresolved issues, with supporting attachments and a recipient recommended resolution.)

The Project Officer will submit a written position to document on all unresolved issues, with supporting attachments and a Project Officer's recommended resolution. Based on the review of the written documents and supporting attachments; discussions with other appropriate Tribal and EPA staff, as needed; and, conference calls with the affected parties, as needed, the Director of the Tribal Assistance Program will render a decision within sixty days after the Region's receipt of the Grant Evaluation Report. If disagreements still exist, the requirements in 40 Code of Federal Regulations 31.70 (Dispute resolution procedures) will be followed.

The Project Officer will ensure that the required Grant Evaluation Reports and Project Officer responses are performed according to the negotiated schedule and that copies of the documents are placed in the official files and provided to the recipient.